

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA

CRIMINAL NO. 18-0246-01

VERSUS

JUDGE DONALD E. WALTER

ANTONIO MONTERO

MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Before the Court is a “Motion To Amend Judgment” filed pro se by the Defendant, Antonio Montero (“Montero”). See Record Document 417. The Government opposes the motion. See Record Document 419.

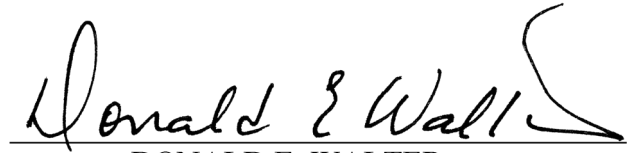
On January 28, 2020, Montero was sentenced to the statutory minimum of 120 months of imprisonment after pleading guilty to one count of conspiracy to distribute and possess with intent to distribute five hundred grams or more of methamphetamine. See Record Document 1; Record Document 345. No notice of appeal was filed. Following the filing of a Section 2255 motion wherein Montero alleged that “the Court informed petitioner that he had a right to appeal, but petitioner was not informed of the procedure [sic] requirements and deadlines for filing an appeal[,]” Montero was granted an out-of-time appeal, which is now pending before the United States Fifth Circuit Court of Appeals. Record Document 395 at 2; Record Document 409; Record Document 412.

As the instant motion was filed after Montero was granted his out-of-time appeal and the appeal was perfected, this Court does not have jurisdiction to decide the current motion. See United States v. Ceja, 387 F. App’x 441, 442 (5th Cir. 2010) (citation omitted) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of

appeals and divests the district court of its control over those aspects of the case involved in the appeal.”). Accordingly;

IT IS ORDERED that Montero’s motion to amend is **DENIED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 11th day of May, 2022.

A handwritten signature in black ink, reading "Donald E. Walter", with a stylized flourish at the end. The signature is written over a horizontal line.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE